

1 ***Regular Meeting***
2 ***Borough of Leonia***
3 ***Minutes for December 5, 2005***
4

5 *A Meeting of the Mayor and Council of the Borough of Leonia, Bergen County, New*
6 *Jersey, was held this evening in the Borough Hall Annex, commencing at 7:34pm*
7

8 ***Council Present:*** *Mayor Laurence Cherchi, Councilwoman Dwarica,*
9 *Councilwoman Heveran, Councilman LaBianco*
10 *Councilman Puzzo, Council President Ryan,*
11

12 ***Council Absent:*** *Councilwoman Mitrani*
13

14 ***Also Present:*** *Council-Elect Gil Hawkins, Council-Elect Frank Raucci, Fran*
15 *Lehmann, Borough Clerk, David Russo,(arrived at 7:35) Borough*
16 *Attorney ,Victoria Miragliotta, Borough Administrator,*
17

18 Mayor Laurence Cherchi called the meeting to order.
19

20 Mayor Laurence Cherchi asked everyone to stand while Council President Ryan led in
21 the Pledge of Allegiance.
22

23 **OPEN MEETING STATEMENT**
24

25 Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin
26 Board at Borough Hall and notices sent to the official newspaper.
27

28 Mayor Cherchi pointed out the Fire Exits to those assembled.
29

30 **PRESENTATION**
31

32 Proclamations were presented to Gilberto Santos and Dino Areche, custodians at the
33 Leonia Middle School. Both gentlemen reported smoke billowing from a home across
34 the street from the Middle School and their actions saved the lives of the residents asleep
35 in the home.
36

37 **APPROVAL OF MINUTES**
38

39 Councilwoman Dwarica made a motion to approve the Minutes of the meeting held on
40 November 14, 2005, seconded by Council President Ryan. Council President Ryan asked
41 for a comma to be inserted after “(arrived at 9PM)”. Roll call vote; Councilpersons
42 Dwarica, Heveran, LaBianco and Ryan voted yes. Councilman Puzzo abstained.
43 Councilwoman Mitrani was absent. Minutes approved.
44

45 Council President Ryan made a motion to approve the Closed Session Minutes of
46 November 14, 2005, seconded by Councilwoman Dwarica. Roll call vote, Councilperson

Dwarica, Heveran, LaBianco, and Ryan, voted yes. Councilman Puzzo abstained. Councilwoman Mitrani was absent. Closed Session Minutes of November 14, 2005 were approved.

Councilwoman Dwarica made a motion to approve the Minutes of November 21, 2005, seconded by Council President Ryan. Roll call vote; Councilperson Dwarica, Heveran, LaBianco, Ryan and Puzzo voted yes. Councilwoman Mitrani was absent. Minutes of November 21, 2005 approved.

Councilwoman Dwarica made a motion to approve the Closed Session Minutes of November 21, 2005, seconded by Councilman Puzzo. Roll call vote; Councilpersons Dwarica, Heveran, LaBianco, Ryan and Puzzo voted yes. Councilwoman Mitrani was absent. Minutes of November 21, 2005 were approved.

COMMENTS FROM PUBLIC

Councilman Elect Raucci – Commended both Mr. Santos and Mr. Areche for their diligence in reporting the incident.

Robert Pacicco – 530 Grandview Terrace: Mr. Pacicco echoed Councilman Elect Raucci’s sentiments for both men. Mr. Pacicco also thanked the Governing Body for installing a four-way stop sign on Hillside and Grandview Terrace.

Mike Hollis – Leonia Board of Education: Mr. Hollis commended both gentlemen. Mr. Hollis also inquired when he would be able to obtain a final CO for the new addition on the school?

Joseph Muzio – 69 Glenwood Avenue: Mr. Muzio questioned the Governing Body as to when the questions and concerns sent to the Borough by the “LTA” would be addressed? Mr. Muzio also stated he did not like using the complaint form as he felt there was a lack of confidentiality in the using the form. Mayor Cherchi addressed Mr. Muzio’s concerns.

Gimad Groboke - 314 Grand Avenue, Mr. Groboke informed the Governing Body that he is being evicted from his apartment. Mr. Groboke asked the Governing Body to look into work at 314 Grand Avenue and to see if they have permits and have paid their taxes.

RESOLUTIONS

Councilman LaBianco asked for a separate vote on Resolution 05-267. Councilman LaBianco questioned Resolution 05-270. Councilman LaBianco asked why there was an extra \$20,000 in Police Salaries and Wages that could be transferred into Electric/Gas and other Expenses? The Borough Administrator explained that money had been put in the budget for a police officer for the January class that was not utilized until the class for August.

Councilman LaBianco asked to have Resolution 05-276 held until after Ordinance 23-05 was introduced and adopted.

A motion was made by Councilman Puzzo to approve Resolutions 05-266, 268, through 275, seconded by Councilwoman Dwarica. Roll call vote; Councilpersons Dwarica, Heveran, LaBianco, Ryan and Puzzo voted yes. Councilwoman Mitrani was absent. Resolutions approved.

Resolution 05-267 - Councilwoman Dwarica made a motion, seconded by Councilman Ryan to approve Resolution 05-267. Roll call vote; Councilperson Dwarica, Heveran, Ryan and Puzzo voted yes. Councilman LaBianco voted no. Councilwoman Mitrani was absent Resolution 05-267 approved.

ADOPTION OF ORDINANCE

Adoption of Bond Ordinance 20-05 entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 88 OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED “ANIMALS” (Stormwater Related)

Borough Clerk Read the Ordinance by Title

Public Hearing – no one spoke

Councilperson Dwarica made a motion seconded by Councilperson Puzzo to Adopt on Final Reading Ordinance 20-05.

Roll call vote; Councilperson Dwarica, Heveran, LaBianco, Ryan, Puzzo voted yes. Councilwoman Mitrani was absent. Ordinance 20-05 adopted.

Adoption of Ordinance 21-05 entitled:

AMENDING AND SUPPLEMENTING CHAPTER 28 OF THE CODE OF THE BOROUGH OF LEONIA ENTITLED “SEWERS” (Stormwater Related)

Borough Clerk Read the Ordinance by Title

Public Hearing – no one spoke

Councilperson Dwarica made a motion seconded by Councilperson Puzzo to Adopt on Final Reading Ordinance 21-05.

Roll call vote; Councilperson Dwarica, Heveran, LaBianco, Ryan, Puzzo voted yes. Councilwoman Mitrani was absent. Ordinance 21-05 adopted.

Adoption of Ordinance 22-05 entitled:

**AMENDING AND SUPPLEMENTING CHAPTER 28 OF THE CODE OF
THE BOROUGH OF LEONIA ENTITLED “SEWERS” (Stormwater
Related)**

Borough Clerk Read the Ordinance by Title

Public Hearing - no one spoke

Councilperson Dwarica made a motion seconded by Councilperson Puzzo to
Adopt on Final Reading Ordinance 22-05.

Roll call vote; Councilperson Dwarica, Heveran, LaBianco, Ryan, Puzzo voted
yes. Councilwoman Mitrani was absent. Ordinance 22-05 adopted.

INTRODUCTION OF ORDINANCE

Introduction of Ordinance 23-05 entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE
03-05, WEBSITE COMMITTEE**

A motion was made by Councilperson LaBianco seconded by Councilperson
Dwarica to Introduce on First Reading Ordinance 22-05.

Roll call vote; Councilperson Dwarica and LaBianco voted yes. Councilpersons
Heveran, Ryan and Puzzo voted no. Councilwoman Mitrani was absent.

After a discussion on the Ordinance, it was decided that the Borough Clerk would
prepare an Ordinance for Council review. Councilman LaBianco withdrew his
motion. Councilwoman Dwarica withdrew her second. The Ordinance was not
introduced.

UNFINISHED BUSINESS

a. Madonna Cemetery (Cemetery Board) The Borough Administrator explained
that the Banking Commission does not regulate non-religious cemeteries. The
Governing Body needs to decide the type of ramp they wish to have installed.
After a discussion the Governing Body decided to have Ken Job, Borough
Engineer design the ramp and the Borough Administrator would solicit RFPs so
the Governing Body could get a better idea of the cost before making a decision.

b. Credit Cards for Municipal Court (Written Report by CFO) The Borough
Administrator answered the questions of the Governing Body. After a brief
discussion the Governing Body requested an Authorizing Resolution be prepared
for the next meeting.

c. Correspondence (Council President Ryan) Council President Ryan would like to see items listed under the heading of correspondence on the agenda.

Council President Ryan feels that letters that come into Borough Hall, addressing concerns to the Governing Body, unless otherwise requested by the person sending in the letter should be listed under the Correspondence heading. After a discussion by the Governing Body it was decided to try this on a trial basis.

d. Merchants Recycling (Councilwoman Mitrani) The Borough Administrator, in the absence of Councilwoman Mitrani, reported that the situation with the merchants recycling is being monitored. The Governing Body might consider at some point to stop picking-up recyclables and force the merchants to contract privately for this service, or cut the pick-up from five days down to two and enforce the rules more stringently.

NEW BUSINESS

a. Fort Lee Development (Mayor Cherchi) – Mayor Cherchi stated that he has followed up on the report made by Mr. Raucci. He is trying to obtain the Zoning regulations on the piece of property. Councilman LaBianco suggested having a meeting with the property owner or purchasing the property. Mayor Cherchi has also noted that at this time an application has not been made. Mayor Cherchi also brought to the attention of the Governing Body the proposal before the Fort Lee Planning Board for 5 homes along Jones Road.

b. Proposed Meeting Dates for 2006 (Mayor Cherchi), Mayor Cherchi reported that he asked to have the meeting dates prepared for the review of the Governing Body in advance of the Reorganization Meeting. Council President Ryan suggested that the first meetings of June through September be cancelled. After a discussion by the Governing Body, it was decided that this item should be discussed in January.

c. Council Committees (Mayor Cherchi) Held for December 12th meeting

d. Reorganization/Swearing In (Mayor Cherchi) Held for December 12th meeting

e. Meeting of December 19, 2005 (Councilwoman Heveran) Councilwoman Heveran would like to do away with the meeting of December 19th. Mayor Cherchi suggested we wait until the meeting of December 12th to make a decision. Held for December 12th meeting

f. Moving of Mailboxes to Borough Clerk's Office (Councilwoman Heveran) Councilwoman Heveran would like the mailboxes of the Governing Body moved to the Borough Clerk's Office. Councilman Elect Hawkins agreed. He stated that mail addressed to him had been opened and taped shut and put in his box. The Borough Administrator stated the mailboxes would be moved.

231
232 **CORRESPONDENCE**
233

234 Council President Ryan would like the letter from Chief Ziegler regarding an
235 appointment be placed on the next agenda.
236

237 Councilman LaBianco would like Mr. Monaco's letter addressed at the next meeting.
238

239 A discussion was held regarding the handling t of Correspondence received by the
240 Governing Body and how it will be addressed.
241

242 Resolution 05-276 – Councilman Ryan made a motion to approve Resolution 05-276,
243 seconded by Councilwoman Dwarica. This Resolution would fill the unexpired term of
244 Robert Katz, who resigned from the Website Committee
245

246 **COMMENTS FROM THE PUBLIC**
247

247 No one spoke.
248

249 **CLOSED SESSION (RESOLUTION S)**
250

251 A motion was made by Councilperson Dwarica seconded by Council President Ryan to
252 go into Closed Session. All in favor none opposed.
253

254 Councilwoman Dwarica made a motion to come out of closed session, seconded by
255 Councilwoman Heveran. All in favor none opposed.
256

257 Mayor Cherchi stated he would like to make an appointment of an Acting Construction
258 Code Official for a period of 60 days. Mayor Cherchi questioned the Borough Ordinance
259 regarding Construction Code Official and the Property Maintenance Officer.
260 Councilwoman Heveran asked the Mayor to read the section into the record; "the
261 function of property maintenance inspection shall not be the responsibility of the
262 Construction Official." Mayor Cherchi does not feel he can serve in both positions. The
263 Governing Body asked for a legal opinion from the Borough Attorney. Mr. Russo said
264 there is no conflict. Mayor Cherchi nominated Harry Krause and detailed his reasons for
265 nominating him. Council President Ryan stated "the Governing Body has a fiduciary
266 responsibility to residents of Leonia to appoint somebody and not waste time in doing
267 things that are contrary to the will of the Council." Mr. Russo read the law for the
268 Governing Body. Councilwoman Heveran for the record "reminded Mayor Cherchi that
269 the Personnel and Finance Committee made a unanimous recommendation and you have
270 decided to go against that recommendation, which was also in concurrence with
271 comments made by the Borough Administrator as well." Councilwoman Heveran asked
272 for a legal opinion from the Borough Attorney; "if the Governing Body had the right to
273 appoint an Acting Construction Official or did they have to wait thirty days?" Mr. Russo
274 responded that the appointment is made by the Mayor with advice and consent from the
275 Council. The Council has a right to vote either way. If the Council votes in agreement
276 with the Mayor then there would be an acting appointment for a set period of time. If the

277 Council does not agree then there would be a vacancy. Mr. Russo read from the
278 regulation regarding the appointment. Mr. Russo felt that the Governing Body could
279 appoint an acting Construction Code Official. The Borough Administrator stated that she
280 spoke to the Department of Community Affairs and the Office of Regulatory Affairs and
281 they did say “that any mechanism that the Governing Body agrees to would be
282 permissible as long as there is a written record for no more than thirty days.” Roll call
283 vote on Mayor Cherchi’s appointment of Acting Construction Code Official;
284 Councilperson Dwarica, Heveran, LaBianco, Puzzo and Ryan voted no. Appointment not
285 confirmed. Councilman Puzzo made a motion to appoint Jack Peters as Acting
286 Construction Code Official for a period of 30 days, seconded by Councilwoman Dwarica.
287 Councilwoman Heveran asked if acting CCO was only option?. Mr. Russo stated yes.
288 Roll call vote; Councilpersons Dwarica, Heveran, LaBianco, Puzzo and Ryan voted yes.
289 Resolution 05-277 approved. The Borough Administrator asked to have an additional 7
290 hours at current salary included in the Resolution.

291
292 A motion was made by Councilman Puzzo, seconded by Councilwoman Heveran. All in
293 favor none opposed.

294
295 Respectfully submitted,

296
297
298 Fran Lehmann
299 Borough Clerk
300